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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,615	01/25/2001	Kashichi Hirota	P66355US0	5712

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EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2682

8

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,615

Applicant(s)

HIROTA ET AL.

Examiner

Yuwen Pan

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Response to Arguments

1. Applicant's arguments, see remark on page 12, filed 2/6/04, with respect to the rejection(s) of claim(s) 2 and 4 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Toyooka (US006504928B1).

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,3-7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Toyooka (US006504928B1).

Per claims 1, 3, 4 and 9, 10, Toyooka discloses a portable telephone (see column 1 and line 8-15) comprising:

A body formed of a plastic material, wherein at least part of said body includes a section formed of a transparent material (see column 5 and lines 3-10, figure 1 and item 1, 3 and 21);

An adhesive layer provided on the rear face of said section formed of said transparent material (see figure 1 and item 15);

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Colored or lustrous fine fragments dispersedly applied onto said adhesive layer so that the fragments are adhesively held on said adhesive layer (see figure 1 and 2, column 9 and lines 39-51); and

A painted layer provided on said adhesive layer said colored or lustrous fine fragments, said painted layer including a light-permeable ink in the form of fine fragments (see figure 1 and item 7 and column 5 and lines 40-67, see column 6 and line 42-67).

Per claims 5-7, Toyooka discloses a portable telephone (see column 1 and line 8-15) comprising:

A display having a display panel (see figure 1 and item 21);

A transparent guard plate disposed outside display panel with leaving a space to said display panel, wherein said transparent guard plate includes a transparent section corresponding to said display panel and a peripheral section around said transparent section, said peripheral section being formed of a transparent material (see column 9 and lines 34-38, figure 5 and items 8 and 21);

An adhesive layer provided on the rear face of said peripheral section (see figure 5 and item 17 and figure 1 and item 15);

Colored or lustrous fine fragments dispersedly applied onto said adhesive layer so that the fragments are adhesively held on adhesive layer (see figure 1 and 2, column 9 and lines 39-51);

A painted layer provided on said adhesive layer said colored or lustrous fine fragments, said painted layer including a light-permeable ink in the form of fine fragments (see figure 1 and item 7 and column 5 and lines 40-67, see column 6 and line 42-67).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyooka (US006504928B1) in view of Synder (US006389268B1) and further in view of Yoshida et al (US006421181B1).

Toyooka discloses a portable telephone (see column 1 and line 8-15) comprising:

A display having a display panel (see figure 1 and item 21);

A transparent guard plate disposed outside display panel with leaving a space to said display panel, wherein said transparent guard plate includes a transparent section corresponding to said display panel and a peripheral section around said transparent section, said peripheral section being formed of a transparent material (see column 9 and lines 34-38, figure 5 and items 8 and 21);

An adhesive layer provided on the rear face of said peripheral section (see figure 5 and item 17 and figure 1 and item 15);

Colored or lustrous fine fragments dispersedly applied onto said adhesive layer so that the fragments are adhesively held on adhesive layer (see figure 1 and 2, column 9 and lines 39-51);

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A painted layer provided on said adhesive layer said colored or lustrous fine fragments, said painted layer including a light-permeable ink in the form of fine fragments (see figure 1 and item 7 and column 5 and lines 40-67, see column 6 and line 42-67).

Toyooka doesn't teach said transparent section including a front face and rear face facing said display panel, said front face being formed as a convex lens having a convex surface.

Snyder discloses said transparent section including a front face and rear face facing said display panel, said front face being formed as a convex lens having a convex surface (see figure 2, and column 2 and lines 6-12).

Combination of Toyooka and Snyder doesn't teach rear face being formed as Fresnel lens having a convex lens function.

Yoshida et al discloses that Fresnel lens having a convex lens function is incorporated (see column 2 and lines 32-52).

It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize Fresnel lens with convex function such that the magnified images are displayed, at a position adjacent to the screen.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyooka (US006504928B1).

With respect to claim 2, Toyooka discloses a telephone (figure 1) comprising:

A body formed of a plastic material, wherein at least part of said body includes a section formed of a transparent material (see column 5 and lines 3-10, figure 1 and item 1, 3 and 21);

Kubes doesn't disclose a luminous material mixed in said section formed of said transparent material by a predetermined ratio.

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The examiner takes "Official Notice" of the fact that is notoriously well-known in the art such as a watch display to mix a luminous material with said transparent material by a predetermined ratio, in order to observe information under insufficient light environment.


Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to combine mixing a luminous material with said transparent material by a predetermined ratio to observe information under insufficient light environment.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
April 14, 2004


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